

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-cr-00286-MOC

UNITED STATES OF AMERICA,)
)
)
)
Vs.)
)
JOSEPH LEE SCHAFFER,)
)
Defendant.)

THIS MATTER is before the court on defendant's "Motion for Deferential Treatment Due Crime Victims as the Accusing Party as to Rights Violations" (#39) and "Amended 2nd Request After Silence Over 60 Days in Violation of General Courts Local Practice Requirement of Answer in 60 Days or Less After Submission" (#38). The court has read each of these form motions and finds that no justiciable issues have been raised and that no plausible relief is therein requested. As such, these motions are frivolous.

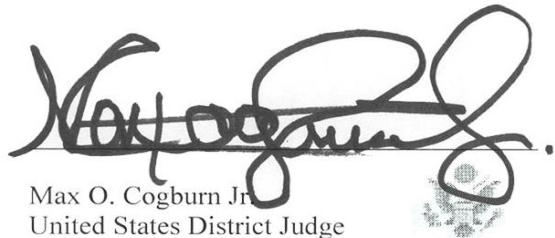
While defendant claims to be a "crime victim" in his "Motion for Deferential Treatment," review of the Presentence Report in this child pornography case reveals, unequivocally, that it is *he* who is the victimizer, not the victim. As to the motion alleging "silence" by the court to some unspecified motion, review of the docket reveals that not only has this court addressed all of defendant's post-judgment motions, it has done so within 15 days. See Motion for Review (#37) (filed 7/27/2016) and Order (#41) (granting, in part, relief on 8/11/2016). Further, defendant goes on to allege in his "silence" motion that he presented a "Letter-Motion for reduction/modification of supervised release terms & sentence for good cause;" however, that contention is flatly false as no such motion has *ever* been filed in this case.

Having considered defendant's motions and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that "Motion for Deferential Treatment Due Crime Victims as the Accusing Party as to Rights Violations" (#39) and "Amended 2nd Request After Silence Over 60 Days in Violation of General Courts Local Practice Requirement of Answer in 60 Days or Less After Submission" (#38) are DENIED.

Signed: August 12, 2016



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". Below the signature, there is a small, faint, circular official seal or stamp.

Max O. Cogburn Jr.
United States District Judge